

STATE OF MICHIGAN  
COURT OF APPEALS

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SUBURBAN MOBILITY AUTHORITY  
REGIONAL TRANSPORTATION and  
AMALGAMATED TRANSIT UNION LOCAL  
1564,

UNPUBLISHED  
March 16, 2006

Respondents-Appellees,

v

No. 258958

MERC

MONICA L.B. JOHNSON,

LC Nos. 03-000004; 03-000013

Charging Party-Appellant.

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Before: Neff, P.J., and Saad and Bandstra, JJ.

MEMORANDUM.

Appellant Johnson appeals as of right from a decision of the Michigan Employment Relations Commission (MERC) adopting the administrative law judge's recommended order that the charges be dismissed. We dismiss.

Appellant was terminated from her position as a bus driver. The union pursued a grievance through several stages, but elected not to take the grievance to arbitration. Appellant filed charges of unfair labor practices under the Public Employment Relations Act, MCL 423.201 *et seq.* An administrative law judge issued a written decision and recommendation that the charges be dismissed. Appellant requested and was granted an extension of time in which to file exceptions to the decision, but ultimately did not file exceptions. Consequently, the MERC adopted the decision of the administrative law judge as its final order.

MCL 423.16(b) and MCL 423.16(d) require an aggrieved party to seek the MERC's review of the administrative law judge's decision before filing an appeal. A case is not preserved for appeal where the appellant has failed "to object in a timely fashion to the administrative law judge's recommended order." *Robertson v Local Div 26, Amalgamated Transit Union*, 91 Mich App 429, 432-433; 283 NW2d 766 (1979). Because appellant elected not to file exceptions to the administrative law judge's decision, the case is not properly before us.

Appeal dismissed.

/s/ Janet T. Neff  
/s/ Henry William Saad  
/s/ Richard A. Bandstra

